

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MARCUS RAMOS,

Plaintiff,

v.

TESFA CHEVERS, et al.,

Defendants.

Case No. 2:15-cv-1204

JUDGE GREGORY L. FROST

Magistrate Judge Elizabeth P. Deavers

ORDER

This matter is before the Court for consideration of the Magistrate Judge's April 8, 2015 Order and Report and Recommendation (ECF No. 3) and Plaintiff's April 17, 2015 objections (ECF No. 5). In the Order and Report and Recommendation, the Magistrate Judge conducted an initial screen of Plaintiff's complaint pursuant to 28 U.S.C. § 1915(e)(2). The Magistrate Judge concluded that the complaint failed to provide a basis for federal question jurisdiction under 28 U.S.C. § 1331 because Plaintiff was asserting either only state law claims or claims under 42 U.S.C. § 1983 without pleading facts necessary for a plausible federal claim. The Magistrate Judge also concluded that the complaint failed to present diversity jurisdiction under 28 U.S.C. § 1332(a) because Plaintiff, an Ohio citizen, was asserting his claims against other Ohio citizens. Accordingly, the Magistrate Judge recommended that the Court dismiss the complaint without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and Federal Rule of Civil Procedure 12(h)(3).

Plaintiff objects to the Order and Report and Recommendation. When a party objects within the allotted time to a report and recommendation, the Court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations

to which objection is made.” 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b). Upon review, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

This Court agrees with the reasoning and conclusions of the Magistrate Judge. Although Plaintiff’s objections contain more factual allegations than those contained in his largely insufficient complaint, not even those factual allegations undercut the conclusion that Plaintiff has failed to state claims upon which this Court can grant relief. In fact, Plaintiff’s objections are essentially only a fuller explication of how he perceives he has been wronged by Defendants; they do not provide a rationale for how jurisdiction exists. The objections therefore do not explain how or why the Order and Report and Recommendation is incorrect. Consequently, this Court agrees that dismissal without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and Federal Rule of Civil Procedure 12(h)(3) is warranted.

For the foregoing reasons, the Court **OVERRULES** Plaintiff’s objections (ECF No. 5), **ADOPTS** and **AFFIRMS** the Order and Report and Recommendation (ECF No. 3), and **DISMISSES** this action **WITHOUT PREJUDICE**. The Clerk shall enter judgment accordingly and terminate this action on the docket records of the United States District Court for the Southern District of Ohio, Eastern Division.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE